

Student Code of Conduct and Student Grievance Procedure Manual



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Section I

The Student Code for the South Carolina Technical College System

The Student Code for the South Carolina Technical College System

I. Purpose

The Student Code for South Carolina Technical Colleges sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct, except cases of alleged acts of sexual violence and sexual harassment. Cases of alleged acts of sexual violence and sexual harassment will be adjudicated through SBTC procedure 3-2-106.2. This Code applies to behavior on college property, at college-sponsored activities and events, and to off-campus behavior that adversely affects the college and/or the college community. The Code applies to all students.

II. Principles

Technical/community college students are members of both the community at large and the academic community. As members of the academic community, students are subject to the obligations that accrue to them by virtue of this membership.

As members of a larger community, students are entitled to all rights and protections accorded them by the laws of that community, the enforcement of which is the responsibility of duly constituted authorities. If a student's alleged behavior simultaneously violates college regulations and the law, the college may take disciplinary action independent of that taken by legal authorities.

When it has been determined that a student violated a federal, state, or local law, college disciplinary action may be initiated only when the presence of the student on campus will disrupt the educational process of the college.

When a student's alleged violation of the law, whether occurring on campus or off campus, may adversely affect the college's pursuit of its educational objectives or activities, the college may enforce its own regulations through this Student Code.

III. Solutions of Problems

The college will first seek to solve problems through internal review procedures. When necessary, off-campus law enforcement and judicial authorities may be involved.

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In situations where South Carolina Technical/Community Colleges have shared programs, the Chief Student Services Officer where the alleged violation of the Student Code for the South Carolina Technical College System occurred will handle the charges. A change of venue to the other college may be granted, based on the nature of the offense, provided it is agreed to by the Chief Student Services Officers of both colleges. Any sanctions imposed will apply across both colleges.

In situations where a student is dually enrolled in two or more South Carolina Technical/Community Colleges and is charged with a violation of the Student Code for the South Carolina Technical College System, the Chief Student Services Officer of the college where the alleged infraction occurred will handle the charges and the sanctions may apply at each college in which the student is enrolled.

IV. Definitions

When used in this document, unless the content requires other meaning,

- A. “College” means any college in the South Carolina Technical College System.
- B. “President” means the chief executive officer of the college.
- C. “Administrative Officer” means anyone designated at the college as being on the administrative staff such as President, Vice President, Dean of Students or Student Services, Chief Academic Officer, Dean of Instruction, or Business Manager.
- D. “Chief Student Services Officer” means the Administrative Officer at the College who has overall management responsibility for student services, or his/her designee.
- E. “Chief Academic Officer” means the Administrative Officer at the College who has overall management responsibility for academic programs and services, or his/her designee.
- F. “Student” means an individual currently enrolled in a program and actively taking courses. A person taking any courses at the college.
- G. “Instructor” means any person employed by the college to conduct classes.
- H. “Staff” means any person employed by the college for reasons other than conducting classes.
- I. “SGA” means the Student Government Association of the college or other group of students convened for the purpose of representing student interests to the college’s administration or in the college’s governance system.

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- J. “Campus” means any place where the college conducts or sponsors educational, public service, or research activities.
- K. “Violation of Law” means a violation of a law of the United States or any law or ordinance of a state or political subdivision which has jurisdiction over the place in which the violation occurs.
- L. “Instructional Weekdays” means any day in which the college’s administrative offices are open.
- M. “Close of Business” means the time that the administrative offices of the college close on that specific workday.
- N. “Approved Method of Notification” means any communication from college personnel through a communication channel that confirms receipt of the communication by the student, such as a hand-delivered letter, restricted mail delivery services, email, text message, or tracked communication through software. A student who communicates with the college via email or otherwise provides an email address in connection with communications relating to a grievance thereby consents to the service of documents.

STUDENT CODE

I. Student Rights

- A. Freedom from Discrimination--There shall be no discrimination in any respect by the college against a student, or applicant for admission as a student on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, gender, veteran’s status, pregnancy, childbirth or other categories protected by applicable law.
- B. Freedom of Speech and Assembly-Students shall have the right to freedom of speech and assembly without prior restraints or censorship subject to clearly stated, reasonable, and nondiscriminatory rules and regulations regarding time, place, and manner developed and approved by the college.

In the classroom and in other instructional settings, discussion and expression of all views relevant to the subject matter -are recognized as necessary to the educational process, but students have no right to interfere with the freedom of instructors to teach or the rights of other students to learn.

- C. Freedom of the Press — In official student publications, students are entitled to the constitutional right of freedom of the press, including constitutional limitations on prior restraint and censorship. To ensure this protection, the college shall have an editorial board with membership rep-

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representing SGA, faculty, and administration. Each college has the responsibility of defining the selection process for its editorial board. The primary responsibility of the board shall be to establish and safeguard editorial policies.

- D. Freedom from Unreasonable Searches and Seizures — Students are entitled to the constitutional right to be secure in their persons, dwellings, papers, and effects against unreasonable searches and seizures. College security officers or administrative officers may conduct searches and seizures only as authorized by law.
- E. Right to Participate in College Governance — Students should have the opportunity to participate on college committees that formulate policies
- F. Right to Know Academic and Grading Standards-- Instructors will develop, distribute, explain, and follow the standards that will be used in evaluating student assignments and determining student grades.

Grades are awarded for student academic performance. No grade will be reduced as a disciplinary action for student action or behavior unrelated to academic conduct.

- G. Right to Privacy-- Information about individual student views, beliefs, and political associations acquired by instructors, counselors, or administrators in the course of their work is confidential. It can be disclosed to others only with prior written consent of the student involved or under legal compulsion.
- H. Right to Confidentiality of Student Records -- All official student records are private and confidential and shall be preserved by the college. Separate record files may be maintained for the following categories: (1) academic, (2) medical, psychiatric and counseling, (3) placement, (4) financial aid, (5) disciplinary, (6) financial, and (7) veterans affairs. In addition, disciplinary records are maintained by the Chief Student Services Officer.

Student education records will be maintained and administered in accordance with the Family Educational Rights and Privacy Act of 1974, the guidelines for the implementation of this act, and other applicable federal and state statutes and regulations.

- I. Right to Due Process — At a minimum, any student charged with misconduct under this code is guaranteed the following: 1) the right to receive adequate notice of the charge(s); 2) the right to see and/or hear information and evidence relating to the charge(s), and 3) the right to present information and evidence relating to the charge(s). Additional due process requirements will be identified in other sections of this Code.

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II. Student Responsibilities

- A. Students are expected to conduct themselves in a manner that is civil, that is respectful of the rights of others, and that is compatible with the college's educational mission.
- B. Students are expected to comply with all of the college's duly established rules and regulations regarding student behavior while on campus, while participating in off campus college sponsored activities, and while participating in off-campus clinical, field, internship, or in-service experiences.
- C. Students are expected to comply with all course requirements as specified by instructors in course syllabi and to meet the standards of acceptable classroom behavior set by instructors. Instructors will announce these standards during the first week of classes. If a student's behavior disrupts class or jeopardizes the health, safety, or well-being of the student or others, the instructor will immediately speak with the student regarding the disruption to provide an in-the-moment warning about said behavior. If the unacceptable conduct/disruption is aberrantly intolerable or continues, the instructor may dismiss the student for the remainder of the class period. Further disruption(s) by the student may result in a second dismissal and a written referral to the Chief Student Services Officer. This written referral may result in the initiation of disciplinary action against the student.

III. Student Conduct Regulations

The following list identifies violations for which students may be subject to disciplinary action. The list is not all inclusive, but it reflects the categories of inappropriate behavior and provides examples of prohibited behaviors.

A. Academic Misconduct

All forms of academic misconduct including, but not limited to, cheating on tests, plagiarism, collusion, and falsification of information may call for disciplinary action.

- 1. Cheating on tests is defined to include the following:
 - a) Copying from another student's test or answer sheet.
 - b) Using materials or equipment during a test not authorized by the person giving the test.
 - c) Collaborating with any other person during a test without permission.
 - d) Knowingly obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of a test prior to its administration.

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- e) Bribing or coercing any other person to obtain tests or information about tests.
- f) Substituting for another student, or permitting any other person to substitute for oneself.
- g) Cooperating or aiding in any of the above.

2. "Plagiarism" is defined as the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work.
3. "Collusion" is defined as knowingly assisting another person in an act of academic dishonesty.
4. "Fabrication" is defined as falsifying or inventing information in such academic exercises as reports, laboratory results, and citations to the sources of information.

B. Abuse of Privilege of Freedom of Speech or Assembly

No student, acting alone or with others, shall obstruct or disrupt any teaching, administrative, disciplinary, public service, research, or other activity authorized or conducted on the campus of the college or any other location where such activity is conducted or sponsored by the college. This disruption does not necessarily have to involve violence or force for the student to face disciplinary actions. In addition to administrative action, any person in violation of any federal, state, or local law will be turned over to the appropriate authorities.

C. Falsification of Information and other Acts Intended to Deceive

Falsification of information and other acts intended to deceive include, but are not limited to the following:

1. Forging, altering, or misusing college documents, records, or identification cards.
2. Falsifying information on college records.
3. Providing false information for the purpose of obtaining a service.

D. Actions which Endanger Students and the College Community

Actions which endanger students and the college community include, but are not limited to the following:

1. Possessing or using on campus a firearm or other dangerous or potentially dangerous weapon unless such possession or use has

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been authorized by the college.

2. Possessing or using any incendiary device or explosive unless such possession or use has been authorized by the college.
3. Setting fires or misusing or damaging fire safety equipment.
4. Using, or threatening to use, physical force to restrict the freedom of action or movement of others or to harm others.
5. Endangering the health, safety, or wellbeing of others through the use of physical, written, or verbal abuse, threats, intimidation, harassment, and coercion.
6. Sexual violence, which refers to physical sexual acts perpetrated against person's will or when a person is incapable of giving consent. Cases of alleged acts of sexual violence will be adjudicated through SBTCE procedure 3-2- 106.2.
7. Retaliating, or threatening to retaliate, against any person for filing a complaint, providing information relating to a complaint, or participating as a witness in any hearing or administrative process.

E. Infringement of Rights of Others

Infringement of rights of others is defined to include, but is not limited to the following:

1. Stealing, destroying, damaging, or misusing college property or the property of others on campus or off campus during any college activity.
2. Sexually harassing another person. In addition to sexual violence, sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, when submission to such conduct is made a term or condition of a student's education, a basis for academic conditions affecting the student, or the conduct is sufficiently serious to interfere with the student's academic performance or otherwise deny or limit the student's ability to participate in any aspect of the college's program, thereby creating an intimidating or hostile learning environment. Cases of alleged acts of sexual harassment will be adjudicated through SBTCE procedure 3-2-106.2.
3. Stalking, which is defined as engaging in a course of conduct, through physical, electronic, or other means, that would place a reasonable person in fear for his/her safety, or that has, in fact, placed an individual

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in such fear. Where the stalking is based on sex, race, national origin, color, age, religion or disability, it may constitute harassment under other provisions of this Code.

4. Harassing conduct, including verbal acts and name calling; graphic and written statements, which may include the use of cell phones, the internet, or other electronic devices; and other conduct that may be physically harmful, threatening, or humiliating. Harassment based on race, national origin, color, age, sex, religion, or disability will be a violation of the Code when it is a basis for academic decisions affecting the student or the conduct is sufficiently serious to interfere with the student's academic performance or otherwise deny or limit the student's ability to participate in any aspect of the college's program, thereby creating an intimidating or hostile learning environment.
5. Engaging in any activity that disrupts the educational process of the college, interferes with the rights of others, or adversely interferes with other normal functions and services.

F. Other Acts which Call for Discipline

Other acts which call for discipline include, but are not limited to the following:

1. Possessing, using, or distributing any narcotics or other unlawful drugs as defined by the laws of the United States or the State of South Carolina.
2. Possessing, using, or distributing on campus any beverage containing alcohol.
3. Violating institutional policies while on campus or off campus when participating in a college sponsored event or activity.
4. Violating any South Carolina and/or federal laws while on campus or off-campus when participating in a college sponsored event or activity.

IV. Student Disciplinary Procedures

The procedures and sanctions that follow are designed to channel faculty, staff or student complaints against students, except for those complaints alleging acts of sexual violence or sexual harassment which are processed under SBTCE procedure 3-2-106.2. Because due process is essential in dealing with infractions of college regulations, any disciplinary actions taken and sanctions imposed on a student or student organization will follow the provisions of this code.

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A. Interim Suspension

In certain situations, the President, or President's designee, may temporarily suspend a student before the initiation of disciplinary procedures. Interim suspension may only be imposed when there is reason to believe that the continued presence of the accused student at the college poses a substantial and immediate threat to the student or to others or poses a serious threat of disruption of, or interference with, the normal operations of the college.

The interim suspension process follows:

1. When the Chief Student Services officer, or designee, becomes aware of a situation which may warrant interim suspension, the Chief Student Services Officer, or designee, will consult with the President, or President's designee, to confirm the imposition of interim suspension. This consultation includes providing the president, or President's designee, with the nature of the alleged infraction, a brief description of the incident(s) and the student's name. The decision to impose interim suspension should occur by the close of business on the first instructional day following confirmation from the President.
2. The Chief Student Services Officer, or designee, will inform the student, through an appropriate method of notification about the decision to impose an interim suspension. This notice must either be hand delivered to the student, sent by e-mail, or sent by certified mail to the student's last known address within two instructional weekdays of receiving the information from the President, or designee. If sent by e-mail, a letter sent by restricted mail delivery services to the student's last known address must still be mailed within two instructional weekdays of receiving the information from the President, or designee.

This letter must include the following information:

- a) the reason(s) for the interim suspension;
- b) notice that the interim suspension does not replace the regular hearing process;
- c) information about requesting a hearing before the Hearing Committee; and
- d) notice that the student is denied access to the campus during the period of suspension without prior approval of the Chief Student Services Officer.

B. Academic Misconduct

1. An instructor who has reason to believe that a student enrolled in his/her class has committed an act of academic misconduct must discuss

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the matter with the student. The instructor must advise the student of the alleged act of academic misconduct and the information upon which it is based. The student must be given an opportunity to refute the allegation. If the student chooses not to participate in the discussion, the instructor will make a decision based upon the available information.

2. If the instructor, after meeting with the student, determines that the student has engaged in academic misconduct as alleged, the instructor will inform the student about the decision and the academic sanction that will be imposed. The instructor may impose one of the following academic sanctions:
 - a) Completion of a variety of educational activities relating to the nature of the offense.
 - b) Assign a lower grade or score to the paper, project, assignment or examination involved in the act of misconduct.
 - c) Require the student to repeat or resubmit the paper, project, assignment, or examination involved in the act of misconduct.
 - d) Assign a failing grade for the course.
 - e) Require the student to withdraw from the course.
3. If the student is found responsible for the academic misconduct, within two (2) instructional weekdays of the meeting with the student, the instructor, or designee, will submit a written report about the incident and the sanction imposed to the Chief Academic Officer.
4. The Chief Academic Officer, or designee, will send a letter to the student summarizing the incident, the finding, the terms of the imposed sanction, and informing the student that he/she may appeal the decision and/or the sanction by submitting a written request to the Chief Academic Officer within five (5) instructional weekdays of the date of the Chief Academic Officer's letter.
5. If the student requests an appeal, the Chief Academic Officer, or designee, will send a letter through an appropriate method of notification to the student's last known address. This letter must contain the following information:
 - a) a restatement of the charge(s);
 - b) the time, place, and location of the appeal;
 - c) a list of witnesses that may be called; and
 - d) a list of the student's basic procedural rights. These rights follow:
 - 1) The right to consult with counsel. The role of the person acting as counsel is solely to advise the student. Counsel may not participate in any of the questioning or make any

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- statements on behalf of the student. The student will be responsible for paying any fees charged by his/her counsel.
- 2) The right to present witnesses on one's behalf.
 - 3) The right to present evidence and notice that the Chief Academic Officer, or designee, may determine what evidence is admissible.
 - 4) The right to know the identity of the person(s) bringing the charge(s).
 - 5) The right to hear witnesses on behalf of the person bringing the charges.
 - 6) The right to testify or to refuse to testify without such refusal being detrimental to the student.
 - 7) The right to appeal the decision to the President.
- e) A statement informing the student that the sanction imposed by the instructor will be held in abeyance pending the outcome of the appeal.
6. On the basis of the information presented at the appeal, the Chief Academic Officer, or designee, will render one of the following decisions:
- a) Accept the decision and the sanction imposed by the instructor.
 - b) Accept the instructor's decision but impose a less severe sanction.
 - c) Overturn the instructor's decision.

Within two instructional weekdays of the meeting with the student, the Chief Academic Officer, or designee, will send the student a letter informing the student of the decision. The letter must also inform the student that the decision may be appealed to the College's President and that any appeal request must be written and must detail the reason(s) for the appeal. The student seeking the appeal must provide reasons for the appeal which sets forth a statement that specifies the issues that further review is sought and any evidence which supports the issue(s) on appeal. The written appeal must be sent to the President within five (5) instructional weekdays of the receipt of the Chief Academic Officer's decision.

After receiving the student's request, the President will review all written materials, non written materials, and evidence relating to this incident and render one of the following decisions:

- a) Accept the decision and the sanction imposed
- b) Accept the decision, but impose a less severe sanction
- c) Overturn the decision
- d) Remand the case to the Student Hearing Committee to be re-heard.

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The President's decision is final and cannot be appealed further.

C. STUDENT MISCONDUCT

Any member of the college community may file charges alleging a violation of the Code. A charge, that includes a description of the alleged violation, must be submitted in writing to the Chief Student Services Officer as soon as possible after the incident occurs, but no later than seven (7) instructional weekdays after the incident, unless the person filing the charge demonstrates that exceptional circumstances prevented filing the charge within this time period. The Chief Student Services Officer, or designee, will determine whether the circumstances merit an extension of the deadline.

1. Preliminary Hearing

Within seven (7) instructional weekdays after the charge has been filed, the Chief Student Services Officer, or designee, shall complete a preliminary investigation of the charge and schedule a meeting with the student. After discussing the alleged infraction with the student and reviewing available information, the Chief Student Services Officer, or designee will decide whether the information presented during the meeting indicates that the violation occurred as alleged. When the student cannot be reached to schedule an appointment, or when the student fails to attend the meeting, the Chief Student Services Officer, or designee, will base the decision upon the available information.

If the available information indicates that the violation occurred as alleged, then one of the following sanctions will be imposed:

- a) Reprimand — A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.
- b) Restitution — Compensation for loss or damage to college property or the property of others while on the campus or at a college event or activity including but not limited to field trips, internships, and clinicals.
- c) Special Conditions — Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
- d) Disciplinary Probation — A written reprimand documenting that the student violated a student conduct regulation. Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result in more serious

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- disciplinary sanctions.
- e) Loss of Privileges-- Suspension or termination of particular student privileges.
 - f) Suspension from the college--Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted.
 - g) Expulsion from the college--Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.
 - h) Any combination of the above.

Within five (5) instructional weekdays of the preliminary hearing, the Chief Student Services Officer, or designee, will send a certified letter to the student. This letter will confirm the date of the preliminary hearing, identify the specific regulation(s) that the student allegedly violated, identify the decision, summarize the rationale, and, if the student violated the regulation(s), state the sanction that was imposed. This letter must also state that if the student disagrees with the decision or the sanction, the student may request a hearing before the Hearing Committee, that the student must submit this request no later than five (5) instructional weekdays after receiving the decision letter unless a request is made and approved by the Chief Student Services Officer for an extension, and that any decision made and sanction imposed at the preliminary hearing may be held in abeyance should the student decide to go before the Hearing Committee.

2. Hearing Committee

- a) The Hearing Committee shall be composed of the following:
 - 1) Three faculty members appointed by the Chief Academic Officer and approved by the President.
 - 2) Three student members appointed by the appropriate student governing body and approved by the President.
 - 3) One member of the Student Services staff appointed by the Chief Student Services Officer and approved by the President.
 - 4) The Chief Student Services Officer, or designee, who serves as an ex officio nonvoting member of the Committee and who presents the case.

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- b) The Hearing Committee shall perform the following functions:
 - 1) Hear cases of alleged violations of the Code of Student Conduct.
 - 2) Insure that the student's procedural rights are met.
 - 3) Make decisions based only on evidence and information presented at the hearing.
 - 4) Provide the student with a statement of the committee's decision including findings of fact and, if applicable, impose one or more of the following sanctions:
 - a) Academic Misconduct Sanctions
 - 1) Refer to Student Code; IV. Disciplinary Procedures; B. Academic Misconduct; Section 2
 - b) Student Misconduct Sanctions
 - 1) Refer to Student Code; IV. Disciplinary Procedures; C. Student Misconduct; Section 1
- c) Hearing Committee Procedures
 - 1) The Chief Student Services Officer, or designee, shall refer the matter to the Hearing Committee together with a report of the nature of the alleged misconduct, the name of the person(s) filing the complaint(s), the name of the student against whom the charge(s) has (have) been filed, and a summary of the findings from the preliminary hearing.
 - 2) At least seven (7) instructional weekdays before the date set for the Hearing Committee's meeting, the Chief Student Services Officer, or designee, shall send a letter through the appropriate method of notification to the student's last known address. The letter must contain the following information:
 - a) A statement of the charge(s).
 - b) A brief description of the incident that led to the charge(s).
 - c) The name of the person(s) submitting the incident report.
 - d) The date, time, and place of the scheduled hearing.
 - e) A list of all witnesses who might be called to testify.
 - f) A statement of the student's procedural rights. These rights follow:
 - 1) The right to consult counsel. This role of the person acting as counsel is solely to advise the student. Counsel may not address the

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Hearing Committee or participate in any of the questioning. The student has the responsibility for paying any of the counsel's fees and any other of the counsel's charges.

- 2) The right to present witnesses on one's behalf.
 - 3) The right to know the names of any witnesses who may be called to testify at the hearing.
 - 4) The right to review all available evidence, documents, exhibits, etc., that may be presented at the hearing.
 - 5) The right to present evidence; however, the Hearing Committee will determine what evidence is admissible.
 - 6) The right to know the identity of the person(s) bringing the charge(s).
 - 7) The right to hear witnesses on behalf of the person bringing the charges.
 - 8) The right to testify or to refuse to testify without such refusal being detrimental to the student.
 - 9) The right to a fair and impartial decision.
 - 10) The right to appeal the Hearing Committee's decision.
- 3) On written request of the student, the hearing may be held prior to the expiration of the seven day advance notification period if the Chief Student Services Officer, or designee, concurs with this change.
- 4) The Chief Student Services Officer, or designee, may postpone the hearing due to circumstances beyond the control of the parties.
- d) Hearing Committee Meetings
- 1) The chair shall be appointed by the President from among the membership of the committee. Ex officio members of the committee may not serve as the chair of the committee.
 - 2) Committee hearings shall be closed to all persons except the student, the person(s) initiating the charge(s), counsels for the student and for the College, witnesses who will be invited into the hearing and a person, mutually agreed upon by the committee and the student, to serve as the recorder.
 - 3) The committee may identify someone to take written notes and the committee will have the hearing, with the exception of deliberations, recorded. No other party in the hearing may record the proceedings and no other party is entitled to a copy of the notes or the recording.

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The written notes and the recording will be maintained in the office of the Chief Student Services Officer. The student may review the notes and listen to the recording under the supervision of the Chief Student Services Officer or designee.

- 4) Witnesses shall be called in one at a time to make a statement and to respond to questions.
- 5) After hearing all of the information, the Hearing Committee will begin its deliberations. Using the standard “clear and convincing,” which means that the information presented at the hearing would lead one to conclude that it is highly probable that the violation(s) occurred as alleged, the members will determine, by majority vote, whether the violation occurred as alleged. If it is determined that the violation(s) occurred as alleged, by majority vote, the members will decide upon the appropriate sanction.
- 6) The Chair of the Hearing Committee will send a letter through the appropriate method of notification to the student’s last known address within two instructional weekdays of the Committee’s decision. The letter shall inform the student about the Committee’s decision, the date of the decision, and, if applicable the sanction(s) imposed. The letter will also inform the student about the appeal process.

3. Appeal

If the student disagrees with either the decision or the sanction, the student may submit a written appeal to the College’s President. This letter must be submitted within seven (7) instructional weekdays of the date on which the Hearing Committee made its decision. The written appeal must include a statement indicating why the student disagrees with the Hearing Committee’s findings.

The President, or designee, shall review the Hearing Committee’s findings, conduct whatever additional inquires as deemed necessary, and render a decision within ten instructional weekdays of receiving the appeal. The President, whose decision is final, shall have the authority to approve, modify, or overturn the Hearing Committee’s decisions and, if needed, void the process and reconvene another Hearing Committee. The President’s decision regarding disciplinary actions under the Student Code 3-2-106. 1 are not grievable.

The President, or designee, will inform the student about the outcome of the appeal in a certified letter sent to the student’s last known address.

Student Code Procedures For Addressing Alleged Acts Of Sexual Violence And Sexual Harassment

The Student Code for South Carolina Technical Colleges sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct. This Code applies to behavior or complaints alleging acts of sexual violence or sexual harassment on college property, at college-sponsored activities and events, and to off campus behavior that adversely affects the college and/or the college community and the Code applies to all students from the time of applying for admission through the awarding of a degree, diploma, or certificate.

The procedures described in SBTCE 3-2-106.2 will be followed to adjudicate alleged acts of sexual violence and sexual harassment.

Sexual harassment is a form of discrimination prohibited by law as well as by the Student Code for the South Carolina Technical College System. In general, sexual harassment includes any advances, requests for sexual favors, sexual violence, and other verbal or physical conduct of a sexual nature that interferes with a student's ability to participate in or benefit from the college's programs or services. It may include such conduct as offensive jokes, slurs, name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put downs, and/or offensive objects or pictures.

Sexual assault is an extreme form of sexual harassment. It can be defined as a situation in which an individual is forced, threatened or coerced into sexual contact against his/ her free will, or without his/ her consent. Sexual assault may include, but is not limited to, sexual violence, date or acquaintance rape, sexual molestation, unwanted sexual touching or having sexual contact with a person while knowing or having reason to know that the person is incapacitated in some way (i.e., due to drugs or alcohol).

Any student, or other member of the college community, who believes that he/ she is or has been a victim of sexual harassment or sexual assault may file a report with the college's Chief Student Services Officer, campus security office, or with the college's Title IX coordinator. The designated coordinator will work with the complaining student to mitigate any injury during the pendency of the investigation and proceedings. Colleges, through their designated coordinators, will change a victim's academic and living situations after an alleged sex offense and discuss the options for those changes, if those changes are requested by the victim and are reasonably available. The Title IX coordinator's office location and phone number are printed in the college's catalog and appear on the college's website.

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Reports may also be filed by any other member of the college community. The student may also file a criminal report regarding the alleged conduct.

Due to the seriousness of these issues, the college will provide educational programs to promote the prevention and awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses, as well as sexual harassment awareness programs.

If the alleged harasser or violator of named in the report is an employee or third party, the case may be adjudicated through the South Carolina State Board for Technical and Comprehensive Education's (SBTCE) Student Grievance Procedure (SBTCE Procedure 3-2-106.2) and/or its Anti-Harassment Procedure (SBTCE 8-5-101.1).

If the alleged harasser or violator of this policy is a student, the case may be adjudicated through the process that follows.

1. Preliminary Hearing

Within 5 instructional weekdays after the charge has been filed, the Chief Student Services Officer, or designee, shall complete a preliminary investigation of the charge and schedule a meeting with the alleged violator and, if needed, the victim. After discussing the alleged infraction with the accused student and reviewing available information, the Chief Student Services Officer, or designee will decide whether the information presented during the meeting indicates that the violation occurred as alleged. When the student cannot be reached to schedule an appointment, or when the student fails to attend the meeting, the Chief Student Services Officer, or designee, will base the decision upon the available information.

If the available information indicates that the violation occurred as alleged, then one of the following sanctions will be imposed:

- a) Reprimand--A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.
- b) Restitution--Compensation for loss or damage to college property or the property of others while on the campus, or at a college event or activity including but not limited to field trips, internships, and clinical settings.
- c) Special Conditions-Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
- d) Disciplinary Probation--A written reprimand documenting that the student violated a student conduct regulation. Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.

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- e) Loss of Privileges-- Suspension or termination of particular student privileges.
- f) Suspension from the college--Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted.
- g) Expulsion from the college--Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.
- h) Any combination of the above.

Within 5 instructional weekdays of the preliminary hearing, the Chief Student Services Officer will send a certified letter to the student charged with violating the Student Code and to the victim. This letter will confirm the date of the preliminary hearing, identify the specific regulation(s) that the student allegedly violated, identify the decision, summarize the rationale, and, if the student violated the regulation(s), state the sanction that was imposed. This letter must also state that if the student charged with the violation or the victim disagrees with the decision or the sanction, either party may request a hearing before the Hearing Committee, that the request must be submitted no later than two instructional weekdays after receiving the decision letter unless a request is made and approved by the Chief Student Services Officer for an extension, and that any decision made and sanction imposed at the preliminary hearing may be held in abeyance pending the outcome of the Hearing Committee's meeting.

2. Hearing Committee

- a) The Hearing Committee shall be composed of the following:
 - 1) Three faculty members appointed by the Chief Academic Officer and approved by the President.
 - 2) Three student members appointed by the appropriate student governing body and approved by the President.
 - 3) One member of the Student Services staff appointed by the Chief Student Services Officer and approved by the President.
 - 4) The Chief Student Services Officer, or designee, who serves as an ex officio nonvoting member of the Committee and who presents the case.
- b) The Hearing Committee shall perform the following functions:

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- 1) Hear cases of alleged violations of the Code of Student Conduct.
 - 2) Insure that the student's procedural rights are met.
 - 3) Make decisions based only on evidence and information presented at the hearing.
 - 4) Provide the student with a statement of the committee's decision including findings of fact and, if applicable, impose one or more of the following sanctions:
 - a) Reprimand-A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.
 - b) Special Conditions-Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
 - c) Restitution-Compensation for loss or damage to college property or the property of others while on the campus or loss or damage to property at a college event or activity, including but not limited to field trips, internships, and clinical settings.
 - d) Disciplinary Probation -A written reprimand documenting that the student violated a student conduct regulation . Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.
 - e) Loss of Privileges-- Suspension or termination of particular student privileges.
 - f) Suspension from the college--Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed . During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted.
 - g) Expulsion from the college--Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.
 - h) Any combination of the above.
- c) Hearing Committee Procedures
- 1) The Chief Student Services Officer shall refer the matter to the Hearing Committee together with a report of the nature of the alleged misconduct, the name of the person(s) filing the complaint(s), the name of the student against whom the charge(s) has (have) been filed,

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and a summary of the findings from the preliminary hearing.

- 2) At least seven instructional weekdays before the date set for the Hearing Committee's meeting, the Chief Student Services Officer, or designee, shall send a certified letter to the charged student's last known address and to the victim's last known address. The letter must contain the following information:
 - a) A statement of the charge(s).
 - b) A brief description of the incident that led to the charge (s).
 - c) The name of the person(s) submitting the incident report.
 - d) The date, time, and place of the scheduled hearing.
 - e) A list of all witnesses who might be called to testify.
 - f) A statement of each party's procedural rights. These rights follow:
 - 1) The right to consult counsel. This role of the person acting as counsel is solely to advise the student. Counsel may not address the Hearing Committee or participate in any of the questioning. The student has the responsibility for paying any of the counsel's fees and any other of the counsel's charges.
 - 2) The right to present witnesses on one's behalf.
 - 3) The right to know the names of any witnesses who may be called to testify at the hearing.
 - 4) The right to review all available evidence, documents, exhibits, etc., that may be presented at the hearing.
 - 5) The right to present evidence; however, the Hearing Committee will determine what evidence is admissible.
 - 6) The right to know the identity of the person(s) bringing the charge(s).
 - 7) The right to hear witnesses on behalf of the person bringing the charges.
 - 8) The right to testify or to refuse to testify without such refusal being detrimental to the student.
 - 9) The right to a fair and impartial decision.
 - 10) The right to appeal the Hearing Committee's decision.
- 3) On written request of the charged student or the victim, the hearing may be held prior to the expiration of the seven day advance notification period if the Chief Student Services Officer, or designee, concurs with this change.
- 4) The chairperson of the Hearing Committee, in his/her discretion, may postpone the hearing due to circumstances beyond the control of the parties.

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- a) Hearing Committee Meetings
 - 1) The chair shall be appointed by the President from among the membership of the Committee. Ex officio members of the committee may not serve as the chair of the committee.
 - 2) Committee hearings shall be closed to all persons except the student, the person(s) initiating the charge(s), counsels for any student and for the College, witnesses who will be invited into the hearing and a person, mutually agreed upon by the Committee and the student(s), to serve as the recorder.
 - 3) The Committee may identify someone to take written notes and the committee will have the hearing, with the exception of deliberations, recorded. No other party in the hearing may record the proceedings and no other party is entitled to a copy of the notes or the recording. The written notes and the recording will be maintained in the office of the Chief Student Services Officer. The student may review the notes and listen to the recording under the supervision of the Chief Student Services Officer or designee.
 - 4) Witnesses shall be called in one at a time to make a statement and to respond to questions.
 - 5) After hearing all of the information, the Hearing Committee will go begin its deliberations. Using the “preponderance of evidence” standard, which means that it is more likely than not that the violation occurred as alleged, the members will determine, by majority vote, whether the violation occurred. If it is determined that the violation occurred as alleged, by majority vote, the members will decide upon the appropriate sanction.
 - 6) The Chair of the Hearing Committee will send a certified letter to the student’s and to the victim’s last known address within two instructional weekdays of the Committee’s decision. The letter shall inform the students about the Committee’s decision, the date of the decision, and, if applicable the sanction(s) imposed. The letter will also inform each recipient about the appeal process.
 - a) When the case results in a finding that the student engaged in an act of sexual violence, the Chair’s letter to the victim will also include the sanction imposed by the Hearing Committee.
 - b) When the case results in a finding that the student engaged in an act of non-violent sexual harassment, the Chair’s letter to the victim will only include the sanction imposed by the Hearing Committee if the sanction directly relates to the victim (e.g., the harasser has been directed to stay away from the victim while on the college’s campus).

3. Appeal

If either student disagrees with the decision or, only in the cases involving charges of sexual violence, the sanction, the student may submit a written appeal to the College's President. This letter must be submitted within ten instructional weekdays of the date on which the Hearing Committee made its decision. The written appeal must include a statement indicating why the student disagrees with the Hearing Committee's findings.

The President, or designee, shall review the Hearing Committee's findings, conduct whatever additional inquiries as deemed necessary, and render a decision within ten instructional weekdays of receiving the appeal. The President, whose decision is final, shall have the authority to approve, modify, or overturn the Hearing Committee's decisions and, if needed, void the process and reconvene another Hearing Committee.

The President, or designee, will inform each student about the outcome of the appeal in a certified letter sent to the student's last known address.

The Student Grievance Procedure For The South Carolina Technical College System

I. PURPOSE

The purpose of the student grievance procedure is to provide a system to channel and resolve student complaints against a college employee concerning decisions made or actions taken. A decision or action can be grieved only if it involves a misapplication of a college's policies, procedures, or regulations, or a state or federal law. This procedure may not be used in the following instances: 1) to grieve a claim against a college employee for any matter unrelated to the employee's role or position at the college; 2) for complaints or appeals of grades awarded in a class or for an assignment, unless the complaint is based upon alleged discrimination on the basis of age, gender, race, disability or veteran's status or on the basis of alleged sexual harassment; or 3) to grieve a decision for which other grievance or appeal procedures exist (e.g., appeal of a disciplinary case, a residency appeal, a financial aid appeal, FERPA grievances, transfer credit evaluations, etc.).

The student filing the grievance must have been enrolled at the college at the time of decision or action being grieved and must be the victim of the alleged mistreatment. A grievance cannot be filed on behalf of another person.

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II. DEFINITIONS

When used in this document, unless the content requires other meaning,

- A. “College” means any college in the South Carolina Technical College System.
- B. “President” means the chief executive officer of the college.
- C. “Administrative Officer” means anyone designated at the college as being on the administrative staff, such as the President, Chief Academic Officer, Chief Student Services Officer, etc.
- D. “Chief Student Services Officer” means the Administrative Officer at the College who has overall management responsibility for student services or his/her designee.
- E. “Chief Academic Officer” means the Administrative Officer at the College who has overall management responsibility for academic programs and services or his/her designee.
- F. “Grievable Act or Decision” means a misapplication of a college’s policies, procedures, or regulations, or a violation of a state or federal law.
- G. “Days” means an instructional weekday, excluding Saturday and Sunday and all days in which the college is closed.
- H. “Student” means a person taking any course(s) offered by the college.
- I. “Instructor” means any person employed by the college to conduct classes.
- J. “Staff” means any person employed by the college for reasons other than conducting classes.
- K. “Campus” means any place where the college conducts or sponsors educational, public service, or research activities.

III. GRIEVANCE PROCESS

A. Filing a Complaint

This procedure must be initiated by the student within 30 instructional weekdays of becoming aware of the decision, action, or event giving rise to the grievance. This time limit may be extended by the President or his/her designee, if the student requests an extension within the 30 day period.

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Before initiating the Student Grievance process, a student may go to the college employee who originated the alleged problem and attempt to resolve the matter informally. In instances alleging discrimination or harassment, including sexual harassment and violence, the student is not required to initially try to resolve the matter with the person alleged to have committed the violation under this policy. Where applicable, if the student is not satisfied with the outcome of this meeting or if the student prefers to ignore this step, then the student may file a written complaint and initiate the grievance process. This written complaint should describe the decision or action that is being grieved, the date of the decision or action, and the college employee(s) involved in the decision or action.

1. Written complaints about alleged discrimination or harassment on the basis of age, gender, race, color, national origin, disability or veteran's status and written complaints about alleged sexual harassment or violence shall be submitted to the employee(s) designated in the college's Statement of Nondiscrimination to coordinate Section 504, Title II, and Title IX compliance.
 2. Written complaints about decisions and actions not related to discrimination on the basis of age, gender, race, disability, veteran's status, or sexual harassment shall be submitted to the college's Chief Student Services Officer.
 3. Any written complaint naming the college's President as the person whose alleged action or decision originated the problem shall be submitted to the President of the South Carolina Technical College System.
- B. Pre-Hearing

The person receiving the student's written complaint will send a written acknowledgement to the student no later than two instructional weekdays after receiving the written complaint.

The person receiving the complaint will forward the complaint to the immediate supervisor of the employee named in the complaint no later than two instructional weekdays after it has been received. When the President is named in the complaint, the South Carolina Technical College System's Vice President of Academic Affairs will be responsible for the pre-hearing.

As a part of the effort to resolve the matter, the supervisor, or the South Carolina Technical College System's Vice President for Academic Affairs, will consult, as needed, with the employee named in the complaint, the student filing the complaint, and Chief Administrative Officer of the division or component concerned.

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The supervisor, or the South Carolina Technical College System's Vice President for Academic Affairs, shall respond in writing to the student within ten instructional weekdays of receipt of the complaint. The response, sent by certified mail, shall include a summary of the findings and, as needed propose the steps that shall be taken to resolve the complaint. If the student does not agree with the proposed resolution, the student may request to have the complaint heard by the Student Grievance Committee.

When the College's President is named in the complaint, the President of the South Carolina Technical College System will convene a three person ad hoc committee consisting of System Presidents to hear the student's complaint.

- C. Student Grievance Hearing
 - 1. Requesting a Hearing
 - a) The student must submit a written request for a Grievance Hearing to the Chief Student Services Officer within five instructional weekdays after receiving the supervisor's written response and no later than fifteen instructional days after the supervisor sent the summary of findings. The request must include a copy of the student's original written complaint, a copy of the supervisor's response, and a statement describing why the supervisor's response was unsatisfactory.
 - b) If the student does not submit the written request for a hearing within fifteen instructional weekdays, and the student can demonstrate that extenuating circumstances resulted in the failure to meet this deadline, the Chief Student Services Officer may allow the hearing to take place.
 - c) Within two instructional days of receiving the request for a hearing, the Chief Student Services Officer shall notify the President or, as appropriate, the System President about the need to convene a Student Grievance Committee or an ad hoc committee of System Presidents. These committees shall be formed to hear specific complaints and a new committee may be formed each time a grievance covered by this procedure is filed.
 - 2. Grievance Committees
 - a) Student Grievance Committee--The President must approve all recommended members. The committee shall be composed of the following:

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- 1) Three students recommended by the governing body of the student body.
 - 2) Two faculty members recommended by the Chief Academic Officer.
 - 3) One Student Services staff member recommended by the Chief Student Services Officer.
 - 4) One administrator, other than the Chief Student Services Officer, to serve as the Committee's chairperson.
 - 5) The Chief Student Services Officer, or designee, who serves as an ex officio, nonvoting member of the committee.
- b) Ad hoc Committee of Presidents-The President of the South Carolina Technical College System will select three System Presidents to serve on this committee and identify one of the three Presidents to serve as the chairperson for the hearing.
- c) The Chief Student Services Officer, or designee, will send copies of the student's request for a hearing to the committee members, the employee, and the employee's supervisor. The employee against whom the grievance was filed has an opportunity to submit his/her response to the request for a hearing to the Committee prior to the hearing.
- d) The Student Grievance Committee's meeting(s) shall be conducted within twenty-one instructional weekdays following the date of the request. The chairperson may grant a postponement if either party submits a written request no later than five instructional weekdays prior to the scheduled meeting. The chairperson of the Student Grievance Committee, in his/her discretion, may postpone the hearing due to circumstances beyond the control of the parties. The re-scheduled hearing must take place within ten instructional weekdays of the date of the previously scheduled hearing.
3. Hearing Procedures
- a) The Chief Student Services Officer, or designee, shall send a certified letter to the student filing the complaint and to the employee(s) named in the complaint at least five instructional weekdays before the scheduled hearing. This letter shall include:
- 1) a brief description of the complaint, including the name of the person filing the complaint;
 - 2) the date, time, and location of the meeting;

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- 3) the name of any person who might be called as a witness.
- 4) a list of the student's procedural rights. These rights follow:
 - a) The right to review all available evidence, documents or exhibits that each party may present at the meeting. This review must take place under the supervision of the Chief Student Services Officer, or designee.
 - b) The right to appear before the Hearing Committee and to present information and additional evidence, subject to the Committee's judgment that the evidence is relevant to the hearing.
 - c) The right to consult with consul. This person serving as consul may not address the committee, question the employee(s) named in the complaint, or any witnesses. The student will be responsible for paying any fees charged by the advisor.
 - d) The right to present witnesses who have information relating to the complaint. Witnesses will be dismissed after presenting the information and responding to questions posed by the Grievance Committee, the student filing the complaint, and the employee(s) named in the complaint.
- b) At least ten (10) instructional weekdays before the scheduled hearing the parties must submit the names of persons that the parties anticipate calling as witnesses as well as any evidence that the parties intend to introduce at the hearing.
- c) Hearings are closed to the public. When testimony is being given, only the committee members, the student and his/her advisor, the employee and his/her advisor, and the witness giving testimony may be present. During deliberations, only the members of the Committee may be present.
- d) Hearings are informal and a tape recording of the testimony presented during the hearing may be made. The Committee's deliberations are not tape recorded. After resolution of the appeal, the tape recording will be kept for three months in the office of the Chief Student Services Officer, or designee. The student filing the complaint or the employee(s) named in the complaint may listen to this tape recording under the supervision of the Chief Student Services Officer, or designee.

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- e) The Committee may question the student and the employee(s). The Committee may also question the employee's (employees') supervisor(s) and any additional witnesses that it considers necessary to render a fair decision. Questions must be relevant to the issues of the grievance.
- f) Both parties to the grievance may ask questions of the other during the hearing. These questions must be relevant to the issues stated in the written complaint. The Chairperson of the Committee will determine the appropriateness of the questions.
- g) The Committee bears the burden of determining whether the allegations are supported by the information available through the hearing. The Committee will use a preponderance of the evidence standard in making this determination.
- h) The Committee shall decide the solution of the grievance by a majority vote. In case of a tie, the chairperson may vote.
- i) The chairperson shall forward a copy of the Committee's decision to the student filing the complaint and to the employee(s) named in the complaint within two instructional weekdays of the Committee's decision. This letter will include a rationale for the Committee's decision and inform the student and employee(s) that they have a right to appeal the Committee's decision.

D. Appeal Process

If either party is not satisfied with the Student Grievance Committee's decision, that person may submit a written appeal to the President of the College within ten instructional weekdays of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the committee's decision. The President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten instructional weekdays of receipt of the appeal. The President's decision is final and this decision cannot be the sole reason for filing a grievance against the President.

If either party is not satisfied with the System Office's ad hoc Committee of System Presidents' decision, that person may submit a written appeal to the President of the South Carolina Technical College System within ten instructional weekdays of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the Committee's decision. The System President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten instructional weekdays of receipt of the appeal. The System President's decision is final.

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Policy on Nondiscrimination

Florence-Darlington Technical College does not discriminate in admission or employment on the basis of race, color, religion, national or ethnic origin, creed, marital status, veteran status, disability, sex, or age in its programs and activities. For inquiries about nondiscrimination policies, contact: Title IX and Section 504 Coordinator, P. O. Box 100548, Florence, South Carolina 29501-0548 or call (843) 661-TECH.

Disclaimer

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Revised October 2019